

**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:17-cv-01682-WWE**

National Association for the Advancement of Colored People et al v. U.S. Department of Commerce
Assigned to: Judge Warren W. Eginton
Cause: 05:552 Freedom of Information Act

Date Filed: 10/05/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**National Association for the
Advancement of Colored People**

represented by **Michael J. Wishnie**
Jerome N. Frank Legal Services – Wall St
Yale Law School
127 Wall Street
New Haven, CT 06511
203-432-4800
Fax: 203-432-1426
Email: michael.wishnie@ylsclinics.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

NAACP Boston Branch

represented by **Michael J. Wishnie**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

NAACP Connecticut State Conference

represented by **Michael J. Wishnie**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Commerce

represented by **Brenda M. Green**
U.S. Attorney's Office-BPT
1000 Lafayette Blvd., 10th Floor
Bridgeport, CT 06604
203-696-3000
Fax: 203-579-5575
Email: brenda.green@usdoj.gov
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 10/05/2017 | <u>1</u> | COMPLAINT against U.S. Department of Commerce (Filing fee \$400 receipt number 0205-4557964.), filed by NAACP, NAACP Connecticut State Conference, NAACP Boston Branch. (Attachments: # <u>1</u> Exhibit A-G)(Wishnie, Michael) (Entered: 10/05/2017) |
| 10/05/2017 | | Request for Clerk to issue summons as to U.S. Department of Commerce. (Wishnie, Michael) (Entered: 10/05/2017) |
| 10/05/2017 | | Judge Warren W. Eginton added. (Anastasio, F.) (Entered: 10/05/2017) |
| 10/05/2017 | <u>2</u> | ELECTRONIC FILING ORDER – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER |

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| | | Signed by Judge Warren W. Eginton on 10/5/2017.(Fazekas, J.) (Entered: 10/05/2017) |
| 10/05/2017 | <u>3</u> | NOTICE TO COUNSEL/SELF–REPRESENTED PARTIES : Counsel or self–representing parties initiating or removing this action are responsible for serving all parties with attached documents and copies of <u>1</u> Complaint filed by National Association for the Advancement of Colored People, NAACP Connecticut State Conference, NAACP Boston Branch, <u>2</u> Electronic Filing Order Signed by Clerk on 10/5/2017.(Fazekas, J.) (Entered: 10/05/2017) |
| 10/05/2017 | <u>4</u> | ENTERED IN ERROR – ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *U.S. Department of Commerce* with answer to complaint due within *60* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St* *Yale Law School, 127 Wall Street* *New Haven, CT 06511*. (Fazekas, J.) Modified on 10/6/2017 (Fazekas, J.). (Entered: 10/05/2017) |
| 10/06/2017 | <u>5</u> | ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *U.S. Department of Commerce* with answer to complaint due within *30* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St* *Yale Law School, 127 Wall Street* *New Haven, CT 06511*. (Fazekas, J.) (Entered: 10/06/2017) |
| 11/14/2017 | <u>6</u> | NOTICE of Appearance by Brenda M. Green on behalf of U.S. Department of Commerce (Green, Brenda) (Entered: 11/14/2017) |
| 11/15/2017 | <u>7</u> | MOTION for Extension of Time until December 15, 2017 to Answer or Otherwise Plead <u>1</u> Complaint by U.S. Department of Commerce. (Green, Brenda) (Entered: 11/15/2017) |
| 11/16/2017 | <u>8</u> | ORDER granting <u>7</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 11/16/17. (Gould, K.) (Entered: 11/16/2017) |
| 11/16/2017 | | Answer deadline updated for U.S. Department of Commerce to 12/15/2017. (Gould, K.) (Entered: 11/16/2017) |
| 11/25/2017 | <u>9</u> | MOTION for Leave to Appear Law Student Intern Appearance Attorney Michael Wishnie. by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 11/25/2017) |
| 11/25/2017 | <u>10</u> | MOTION for Leave to Appear Law Student Intern Appearance Attorney Michael Wishnie. by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 11/25/2017) |
| 11/27/2017 | <u>11</u> | ORDER granting <u>9</u> Motion to Appear Law Student Intern Appearance; granting <u>10</u> Motion to Appear Law Student Intern Appearance. Signed by Judge Warren W. Eginton on 11/27/2017. (LaMura, K.) (Entered: 11/27/2017) |
| 11/29/2017 | <u>12</u> | SUMMONS Returned Executed by National Association for the Advancement of Colored People, NAACP Connecticut State Conference, NAACP Boston Branch. U.S. Department of Commerce served on 11/29/2017, answer due 12/29/2017. (Wishnie, Michael) (Entered: 11/29/2017) |
| 12/14/2017 | <u>13</u> | ANSWER to <u>1</u> Complaint with Affirmative Defenses by U.S. Department of Commerce.(Green, Brenda) (Entered: 12/14/2017) |
| 03/09/2018 | <u>14</u> | Joint MOTION for <i>Entry of Proposed</i> Scheduling Order by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Attachments: # <u>1</u> Text of Proposed Order Joint Proposed Scheduling Order, # <u>2</u> Supplement Certificate of Service)(Wishnie, Michael) (Entered: 03/09/2018) |
| 03/21/2018 | <u>15</u> | ORDER granting <u>14</u> Motion for Order. Signed by Judge Warren W. Eginton on 3/21/2018. (LaMura, K.) (Entered: 03/21/2018) |
| 03/21/2018 | <u>16</u> | SCHEDULING ORDER Signed by Judge Warren W. Eginton on 3/21/2018.(LaMura, K.) (Entered: 03/21/2018) |

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| 06/14/2018 | <u>17</u> | Joint STATUS REPORT by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 06/14/2018) |
| 07/16/2018 | <u>18</u> | MOTION for Extension of Time until July 26, 2018 to file Motion for Summary Judgment by U.S. Department of Commerce. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Green, Brenda) (Entered: 07/16/2018) |
| 07/18/2018 | 19 | ORDER granting <u>18</u> Motion for Extension of Time. Defendant's motion for summary judgment is due by July 26, 2018; the response date is September 9, 2018; the reply date is October 19, 2018. Signed by Judge Warren W. Eginton on 7/18/2018. (LaMura, K.) Modified on 7/18/2018 to include deadlines (Gould, K.). (Entered: 07/18/2018) |
| 07/18/2018 | | Set Deadlines/Hearings: Dispositive Motions due by 7/26/2018 (LaMura, K.) (Entered: 07/18/2018) |
| 07/18/2018 | | Docket Entry Correction re 19 Order on Motion for Extension of Time modified to include deadlines. (Gould, K.) (Entered: 07/18/2018) |
| 07/26/2018 | <u>20</u> | MOTION for Summary Judgment by U.S. Department of Commerce.Responses due by 8/16/2018 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Green, Brenda) (Entered: 07/26/2018) |
| 09/04/2018 | <u>21</u> | First MOTION for Extension of Time until September 17, 2018 To File Response in Opposition to Motion for Summary Judgment by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 09/04/2018) |
| 09/06/2018 | 22 | ORDER granting <u>21</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 9/6/2018. (LaMura, K.) (Entered: 09/06/2018) |
| 09/06/2018 | 23 | Set/Reset Deadlines as to <u>20</u> MOTION for Summary Judgment . Responses due by 9/17/2018 (LaMura, K.) (Entered: 09/06/2018) |
| 09/17/2018 | <u>24</u> | MOTION for Leave to Appear As Law Student Interns by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Attachments: # <u>1</u> Student Appearance Forms)(Wishnie, Michael) (Entered: 09/17/2018) |
| 09/17/2018 | <u>25</u> | Memorandum in Opposition <i>and in Support of Cross-Motion for Discovery</i> re <u>20</u> MOTION for Summary Judgment filed by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Attachments: # <u>1</u> Statement of Material Facts Local Rule 56(a)(2) Statement, # <u>2</u> Declaration of Michael J. Wishnie, # <u>3</u> Exhibit Exhibit A, # <u>4</u> Exhibit Exhibit B, # <u>5</u> Exhibit Exhibit C, # <u>6</u> Exhibit Exhibit D, # <u>7</u> Exhibit Exhibit E, # <u>8</u> Exhibit Exhibit F, # <u>9</u> Exhibit Exhibit G, # <u>10</u> Exhibit Exhibit H, # <u>11</u> Exhibit Exhibit I, # <u>12</u> Exhibit Exhibit J, # <u>13</u> Exhibit Exhibit K, # <u>14</u> Exhibit Exhibit L, # <u>15</u> Exhibit Exhibit M, # <u>16</u> Exhibit Exhibit N, # <u>17</u> Exhibit Exhibit O, # <u>18</u> Exhibit Exhibit P, # <u>19</u> Exhibit Exhibit Q, # <u>20</u> Exhibit Exhibit R, # <u>21</u> Exhibit Exhibit S, # <u>22</u> Exhibit Exhibit T, # <u>23</u> Exhibit Exhibit U, # <u>24</u> Exhibit Exhibit V, # <u>25</u> Exhibit Exhibit W, # <u>26</u> Exhibit Exhibit X, # <u>27</u> Exhibit Exhibit Y, # <u>28</u> Exhibit Exhibit Z, # <u>29</u> Exhibit Exhibit AA, # <u>30</u> Exhibit Exhibit BB, # <u>31</u> Exhibit Exhibit CC, # <u>32</u> Exhibit Exhibit DD, # <u>33</u> Exhibit Exhibit EE, # <u>34</u> Exhibit Exhibit FF)(Wishnie, Michael) (Entered: 09/17/2018) |
| 09/17/2018 | <u>26</u> | Cross MOTION for Discovery Order by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 09/17/2018) |
| 09/18/2018 | 27 | ORDER granting <u>24</u> Motion to Appear. Signed by Judge Warren W. Eginton on 9/18/2018. (Gould, K.) (Entered: 09/18/2018) |
| 10/12/2018 | <u>28</u> | MOTION for Extension of Time until October 26, 2018 to file its Reply to the Plaintiffs' Motion in Opposition to the Defendant's Motion for Summary Judgment and Opposition to the Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 10/12/2018) |

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| 10/17/2018 | 29 | ORDER granting <u>28</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 10/17/2018. (LaMura, K.) (Entered: 10/17/2018) |
| 10/17/2018 | 30 | Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order. Responses due by 10/26/2018 (LaMura, K.) (Entered: 10/17/2018) |
| 10/26/2018 | <u>31</u> | MOTION for Extension of Time until November 2, 2018 to file its Reply in support of the Defendant's Motion for Summary Judgment and Opposition to the Plaintiffs' Cross-Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 10/26/2018) |
| 10/30/2018 | 32 | ORDER granting <u>31</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 10/30/2018. (LaMura, K.) (Entered: 10/30/2018) |
| 10/30/2018 | | Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order, <u>20</u> MOTION for Summary Judgment . Responses due by 11/2/2018 (LaMura, K.) (Entered: 10/30/2018) |
| 11/02/2018 | <u>33</u> | STIPULATION re <u>25</u> Memorandum in Opposition to Motion,,,, <u>20</u> MOTION for Summary Judgment by U.S. Department of Commerce. (Green, Brenda) (Entered: 11/02/2018) |
| 11/05/2018 | 34 | ORDER re <u>33</u> Stipulation filed by U.S. Department of Commerce. In accordance with doc. 33, Defendant shall produce non-exempt information that does not constitute an undue burden to the agency in the several categories of discrete documents. Signed by Judge Warren W. Eginton on 11/5/2018.(LaMura, K.) (Entered: 11/05/2018) |
| 11/05/2018 | 35 | ORDER approving re <u>33</u> Stipulation filed by U.S. Department of Commerce. approve Stipulation for extension to the deadline for Defendants Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiffs Cross-Motion for Discovery through November 15, 2018. However, the Court requests that motions for extension of time be filed as a motion rather than a stipulation. Signed by Judge Warren W. Eginton on 11/5/2018.(LaMura, K.) (Entered: 11/05/2018) |
| 11/19/2018 | <u>36</u> | MOTION for Extension of Time until December 17, 2018 to file a Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery, nunc pro tunc <u>25</u> Memorandum in Opposition to Motion,,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 11/19/2018) |
| 11/20/2018 | 37 | ORDER granting <u>36</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 11/20/2018. (Welles, T.) (Entered: 11/20/2018) |
| 12/17/2018 | <u>38</u> | MOTION for Extension of Time until January 17, 2019 to file Defendant's Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 12/17/2018) |
| 12/18/2018 | <u>39</u> | RESPONSE re <u>38</u> MOTION for Extension of Time until January 17, 2019 to file Defendant's Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum filed by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 12/18/2018) |
| 12/18/2018 | 40 | ORDER granting over Objections <u>38</u> MOTION for Extension of Time until January 17, 2019 to file Defendant's Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery. No further extensions of time will be granted. Signed by Judge Warren W. Eginton on 12/18/18. (Imbriani, Susan) (Entered: 12/18/2018) |
| 12/18/2018 | | Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order, <u>20</u> MOTION for Summary Judgment . Respons/Oppositin due by 1/17/2019. (Imbriani, Susan) (Entered: 12/18/2018) |

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| 01/17/2019 | <u>41</u> | MOTION for Extension of Time until January 22, 2019 to filed a Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,,, by U.S. Department of Commerce. (Green, Brenda) (Entered: 01/17/2019) |
| 01/18/2019 | 42 | ORDER granting <u>41</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 1/18/19. (Ladd-Smith, I.) (Entered: 01/18/2019) |
| 01/22/2019 | <u>43</u> | MOTION for Extension of Time to file Defendant's Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 01/22/2019) |
| 01/22/2019 | <u>44</u> | RESPONSE <i>Clarifying Position of Plaintiffs on Defendant's Motion for Extension of Time</i> filed by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 01/22/2019) |
| 01/28/2019 | 45 | ORDER granting <u>43</u> Motion for Extension of Time to January 31, 2019 for Defendant to either (a) file a joint stipulation of settlement with Plaintiffs, or (b) file its brief supporting its motion for summary judgment and opposing Plaintiffs cross-motion for discovery. Signed by Judge Warren W. Eginton on 1/28/2019. (Welles, T.) (Entered: 01/28/2019) |
| 01/28/2019 | | Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order, <u>20</u> MOTION for Summary Judgment Responses due by 1/31/2019. (Imbriani, Susan) (Entered: 01/29/2019) |
| 01/31/2019 | <u>46</u> | MOTION for Extension of Time until February 4, 2019 to file a Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 01/31/2019) |
| 02/04/2019 | 47 | ORDER granting <u>46</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 2/4/2019. (LaMura, K.) (Entered: 02/04/2019) |
| 02/04/2019 | | Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order, <u>20</u> MOTION for Summary Judgment . Responses due by 2/4/2019 (LaMura, K.) (Entered: 02/04/2019) |
| 02/04/2019 | <u>48</u> | STIPULATION <i>of Settlement</i> by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 02/04/2019) |